

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54970 of 2024

Arising Out of PS. Case No.-1305 Year-2023 Thana- KHAGARIA District- Khagaria

1. Upendra Prasad Singh Son of Late Bhagwat Prasad Singh R/O Vill.- Dakshini Bhadas, P.S.- Muffasil, Dist.- Khagaria.
2. Kavita Devi Wife of Upendra Prasad Singh R/O Vill.- Dakshini Bhadas, P.S.- Muffasil, Dist.- Khagaria.
3. Puja Kumari Daughter of Upendra Prasad Singh R/O Vill.- Dakshini Bhadas, P.S.- Muffasil, Dist.- Khagaria.
4. Khushbu Kumari Daughter of Upendra Prasad Singh R/O Vill.- Dakshini Bhadas, P.S.- Muffasil, Dist.- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jagatbandhu Kumar Son of Late Gajadhar Pd. Sah R/O Vill.- Dakshini Bhadas, P.S.- Muffasil, Dist.- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Khagaria PS Case No. 1305 of 2023 dated 25-12-2023
instituted for the offence punishable under Sections 417,420,
467, 468, 147,148, 149, 323,379, 341, 120B, 354, 504 and 506
of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case in short is that petitioner No.1
showed one piece of land situated at Mauza- Bhadash to



informant and put proposal for sale. The informant accepted the proposal and ready to purchase total five dhurs of land on a consideration amount of Rs. 2,25,000/- (two lakh twenty five thousand) and made an agreement in the name of his wife in respect of which, informant gave Rs 71,000/- as an advance money to the petitioner No.1. It is alleged that despite taking the consideration money, petitioner No.1 refused to execute the sale deed in favour of informant's wife and also failed to return the said amount, It is further alleged that petitioners have also abused and assaulted the informant and his wife with *lathi danda* and rod. Due to assault, informant fell on the ground then petitioner No.1 has taken Rs. 35,000/- from his pocket and all accused persons pulled sari of his wife with a view to molest her. It is alleged that petitioner no.4 has taken golden ring and cash of Rs. 13000/-. It is further alleged that petitioner no.1 along with 3-4 unknown persons come to the house of the informant and made firing in the air.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that an agreement was executed between the informant and petitioner No.1 on 13-07-2021 for sale of five dhurs of land on a consideration amount of Rs.



2,25,000/- (Two Lakh Twenty Five Thousand). Out of which, Rs. 71,000/- (Seventy One Thousand) was given to the petitioner No.1 and rest amount i.e. 1,54,000/- (One Lakh Fifty Four Thousand) shall be paid at the time of execution of the sale deed. The allegation levelled against the petitioner No.1 is that he has not executed the sale deed in favour of the informant's wife. Learned counsel for the petitioners submits that FIR has been lodged on 25-12-2023 wherein the date of occurrence has been mentioned as 13-05-2022. There is 16 months delay in filing of the said FIR. No plausible explanation has been given for the inordinate delay. It is also submitted that petitioner No.1 has lodged complaint case bearing Complaint case No. 160C of 2022 dated 21-02-2022 against Jagat Bandhu Kumar and Premsheela Devi and two unknown persons prior to the present case. It is also submitted that informant has not produced any chit of paper to substantiate that Rs. 71,000/- was taken by the petitioner No.1. It is also submitted that dispute between the parties is purely civil in nature. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Khagaria PS Case No. 1305 of 2023 petitioners shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Khagaria, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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